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SENSITIVE

GENEVA FOR RMA

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SUBJECT: MATERIAL SUPPORT ISSUE COULD CRIPPLE U.S.  
RESETTLEMENT PROGRAM FROM THAILAND AND REVERSE PROGRESS ON

REFUGEE ASSISTANCE

1. (SBU) Summary. Several positive changes have marked recent Thai policy toward the approximately 140,000 Burmese refugees located in nine camps along the Thai-Burma border. The Thai have agreed to the U.S. proposal to offer resettlement to the entire, 9,000-person camp of Tham Hin after rejecting such large-scale resettlement for many years because of a fear that it would pull more Burmese into Thailand. The Thai for the first time are officially encouraging NGOs to provide enhanced schooling and vocational training opportunities for camp refugees. The Thai are considering official sanction for Burmese refugees to work. These developments, described as unprecedented by senior NGO officials along the border, are occurring for several reasons. One of the most important, since it shows the international community's commitment to sharing the Burmese refugee burden, is the willingness of third countries, particularly the United States, to resettle large numbers of Burmese camp refugees. The emerging Thai vision of the future thus combines improvement of the lives of the camp refugees with third country resettlement.

2. (SBU) Unfortunately, the material support issue, currently under USG consideration, could stop significant U.S. refugee resettlement from Thailand in its tracks if it causes the denial of U.S. resettlement to large numbers of Burmese refugees because they at some point provided even minimal support to a group opposed to the Burmese government that could be defined as a terrorist organization under U.S. law. This issue could halt and even reverse the positive trend in Thai refugee policy because it would remove a key linchpin of that policy. Also at stake is U.S. credibility as a partner in addressing the Burmese refugee issue in Thailand. End summary.

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Thai Agree to Resettlement of Burmese Camp Refugees  
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3. (SBU) There are increasing indications that positive changes in Thai policy toward the approximately 140,000 Karen and Karenni refugees in the nine camps along the Thai-Burma border are broadening and becoming institutionalized. The first indication that significant change was occurring was Thai openness last year to the idea of U.S. resettlement for the approximately 9,000 refugees in Tham Hin camp. The resettlement option for many years had been off the table because of a Thai concern that it would pull more refugees across the border and a Thai hope that refugee repatriation to Burma might become possible.

4. (SBU) Last summer the Thai formally agreed to a U.S. proposal for a Tham Hin program and the start-up of that program is now imminent. Other countries have already begun significant resettlement out of other border camps, albeit at numbers much lower than those planned by the USG. The Thai position toward those efforts remains positive and barring some unforeseen development, is likely to remain so.

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Forward Movement on Improving Refugee Livelihoods  
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5. (SBU) Early this year, another significant positive Thai policy change occurred. The Thai Ministry of Interior issued a letter to NGOs operating in the Burma border camps that formally encouraged them to offer enhanced educational and vocational training opportunities to camp refugees. Previously, some of these activities had existed, but they were ad hoc, small in number, and never formally sanctioned by the Thai government. Subsequently, UNHCR and the NGOs, including the USG-funded International Rescue Committee and the American Refugee Committee have been developing programs to take advantage of this new opening. Importantly, the Thai government is also taking an active role. In July the Cabinet approved a budget for the Ministry of Education (MOE) to open learning centers in the refugee camps to provide Thai-language training to the refugees. MOE is also studying the possibility of permitting camp refugees to apply to Thai universities.

16. (SBU) Since the Thai opened the door to enhanced educational and vocational opportunities, UNHCR, NGOs, and Refcoord have encouraged the RTG to consider favorably the logical next step of officially permitting camp refugee to work. The arguments that have been used are that the RTG has already issued temporary work permits to approximately 960,000 Burmese outside the refugee camps, the Thai Ministry of Labor has determined that there is demand for another 500,000 workers, and the number of working age refugees in the camps is small compared to the number of work permits already issued. During a visit to the border camp region earlier this year, Prime Minister Thaksin directed that Thai Ministries study the possibility of refugees working. Thai National Security Council and Ministry of Interior officials recently told UNHCR and Refcoord that this issue is under active consideration.

17. (SBU) The most recent positive development links refugee resettlement and refugee protection. Senior Thai National Security Council and Ministry of Interior officials have told UNHCR and Refcoord that the RTG is beginning to consider what to do with the refugees who would remain behind in Tham Hin refugee camp, likely because they did not choose the resettlement option, after the completion of the U.S. resettlement program. Thai thinking is still in very early stages, but these officials have said that one option would be relocation to a new site that would offer employment opportunities to the refugees.

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Why Thai Policy Has Shifted  
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18. (SBU) There are several reasons for these Thai policy shifts. SPDC military ascendancy and diminished conflict in eastern Burma, together with enormous flows of Burmese economic migrants have led the Thai to realize that the major cause of cross-border movement is no longer fighting in Burma, though this push factor and generalized oppression continues to exist. Instead, Burma's declining economy and work opportunities in Thailand are driving the flows. The number of persons in the refugee camps is now a small percentage of the estimated 1.5 million Burmese in Thailand. A second factor is Thai sensitivity that the conditions in the refugee camps, while satisfactory in terms of meeting the refugees' basic needs, provide them no future. This casts Thailand in a bad light, particularly given the recent worldwide focus on resolving protracted refugee situations and preventing "refugee warehousing."

19. (SBU) Third, there is a growing Thai realization that the camp refugees may never be able to return to Burma. As a result, it is in Thailand's own interest to think more in terms of integrating them into Thai society, particularly given the demand for imported labor. Finally, the success of the U.S. resettlement programs for the Hmong and the urban Burmese has helped convince the Thai that new approaches to long-standing refugee problems that involve resettlement can succeed.

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Institutionalization of Policy Change  
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110. (SBU) We believe that these policy shifts are beginning to become institutionalized and therefore more likely to be sustained over time. When indications of positive Thai refugee policy shifts began, they were largely voiced by General Winai, the head of the Thai National Security Council. Compared to other Thai officials, Winai is more open-minded and sympathetic to refugees. This raised the question of whether the changes were linked to one man and therefore reversible when Winai departed from the scene. However, the activities of the Ministry of Education, approved by the Cabinet, and the positive statements mentioned above from senior MOI officials indicate that this is indeed a policy shift, and not just the views of one progressive individual.

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3rd Country Resettlement is Key Element of New Thai Approach  
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111. (SBU) From UNHCR and Refcoord discussions with the RTG, third country resettlement clearly plays a central role in the emerging Thai vision of the future. The Thai hope that resettlement will gradually reduce the Burmese camp refugee population and thereby permit the closure and/or consolidation of the refugee camps over time. The Thai also view resettlement as concrete evidence of the international community's commitment to help address the protracted Burmese refugee situation. This makes it easier for the Thai in turn to do their part by considering ways to improve the livelihood of the refugees who will remain in Thailand. The imminent start-up of the Tham Hin resettlement program and

the expectation that most of the Tham Hin population will choose the resettlement option has now spurred the Thai to start thinking in concrete terms, as mentioned above, about ways to mesh resettlement with enhanced opportunities for the refugees who will remain behind.

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Material Support Issue Threatens Progress  
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12. (SBU) The material support issue has arisen in the context described above. Under the Patriot and Real ID Acts, refugees could be denied resettlement if at some time in the past they gave support, even minimal support such as a bowl of rice, to an organization that could be defined as a terrorist organization under U.S. law, whether or not it is on an official list of terrorist organizations. Many Burmese refugees are from ethnic groups which have organizations that are opposed to the Burmese government and could be caught by the U.S. legal definition of a terrorist organization. The USG has been considering the material support issue for well over one year but has yet to find a workable solution.

13. (SBU) In the meantime, many Burmese refugee cases have been placed on hold. About 60 percent of ethnic Chin refugee cases referred to the U.S. program in Malaysia (affecting about 350 persons including some minors who are particularly vulnerable) are now on hold pending a decision on material support inadmissibility. Of almost 100 Karenni refugees interviewed in Thailand in November, two-thirds have been placed on hold because of material support. These numbers continue to grow as more cases are interviewed by DHS and deferred. Thousands of Tham Hin refugees will face a similar situation if the material support issue is not resolved by March 2006, when DHS adjudications are expected to begin. This would cripple the Tham Hin program just as it is getting off the ground.

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Comment  
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14. (SBU) The positive changes in Thai policy towards the conditions of Burmese refugees in the border camps are in a nascent stage and will likely unfold in an incremental manner over at least several years. However, it is not unreasonable now to envision a future in which the camps gradually disappear through a combination of third country resettlement and local integration of the remaining refugees within Thailand. This would be an extremely positive humanitarian development for the refugees, who in some cases have been languishing in camps for twenty years.

15. (SBU) Comment (cont.) The United States can legitimately claim some credit for the positive evolution of Thai policy. The Hmong and urban Burmese resettlement programs, which have moved about 17,000 refugees to the United States in less than two years, have shown the Thai that the international community is willing to help share the refugee burden and that new approaches can lead to the resolution of long-standing refugee problems. Third country resettlement is a key element in the new Thai policy toward Burmese refugees. If the material support issue is not resolved soon and in a manner which permits U.S. resettlement approval for a substantial percentage of Tham Hin refugee applicants, the RTG would likely reconsider and possibly reverse the positive movement forward in its overall Burmese refugee policy. In addition, since the United States proposed the Tham Hin resettlement effort in the first place, the U.S. role and credibility as a partner in addressing the Burmese refugee problem in Thailand would be seriously undermined. Finally, our ability to encourage the Thai to provide asylum to Burmese refugees would be undercut if the USG makes a determination that thousands of those refugees are not qualified for admission to the United States.

BOYCE